

Attorney's Docket No.: 14170-019004
Client's Ref. No.: 25-31-0024

OFFICIAL COMMUNICATION

FACSIMILE

FOR THE PERSONAL ATTENTION OF:

EXAMINER R. KEARNEY ROLLINS

U.S. PATENT AND TRADEMARK OFFICE (PATENT)

COMMISSIONER FOR PATENTS

WASHINGTON, DC 20231

GROUP 3739 FAX NO: 703-308-0758

Number of pages including this page 5

Applicant : Christopher D. Casscells et al.
Serial No. : 09/731,686
Filed : December 5, 2000

Art Unit : 3739
Examiner :

FACSIMILE COMMUNICATION

Title : ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES

Attached is a copy of the 12/9/03 filing.

Respectfully submitted,



Edward G. Faeth

Date: January 20, 2004


Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Fax: (202) 783-2331

40199014.doc

NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (202) 783-5070 to arrange for its return. Thank you.

*Please enter
R. Rollins
2/06/04*

#18/11
egf

| | | | |
|---|---------------------------------|--|---|
| Attorney's Docket No. 14170-019004 | Express Mail Label No. | Mailing Date December 9, 2003 | For PTO Use Only <i>Do Not Mark in This Area</i>  |
| Application No. 09/731,686 | Filing Date December 5, 2000 | Attorney/Secretary Init PKK/BXD/egf | |
| Title of the Invention ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES | | | |
| Applicant Christopher D. Casscells et al. | | | |
| Client Reference No. 25-31-0024 | | | |
| Enclosures · Response (4 pages) | | | |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher D. Casscells et al. Art Unit : 3739
Serial No. : 09/731,686 Examiner : R. Kearney
Filed : December 5, 2000
Title : ELECTROCAUTERIZING TOOL FOR ORTHOPEDIC SHAVE DEVICES

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REMARKS

In reply to the Final Office Action of September 9, 2003, Applicants submits the following remarks.

Claims 1, 3-4, 7-10, 13, 18, 20, 24-27, 35, 37-47, and 49-51 are pending and under consideration. Claims 1, 20, 37, 38, and 45 are independent. The claims stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rydell (5,810,809) and/or under 35 U.S.C. § 103(a) as being obvious over Rydell in view of Auth et al. (4,532,924). Applicants respectfully disagree. The Examiner's "Response to Arguments" states that "[i]n col. 3 line 39 – col. 4 line 2 Rydell discloses shaft (24) as providing an electrical and mechanical coupling" (Office Action at 3). Applicants explain in detail below that Rydell's inner tube 24 does not receive electrical power.

Claims 1 and 37 require in part "the shaft mechanically and electrically coupled at a distal end to the tip, and at a proximal end, to the drive interface and an electrical interface" (claim 1). Tube 24 of Rydell is not electrically coupled to an electrical interface. Rather, inner tube 24 is electrically isolated from power supply 40 (which the Examiner equates with the claimed electrical interface; Office Action at 2, paragraph 2). Rydell's instrument 10 and power supply 40 are connected along a torque transmitting cable 38 and an electrical cable 42 (see Fig. 1 and col. 3, line 62 – col. 4, line 7). The isolation of tube 24 from cable 38 is provided by "molded plastic coupler 72 [that] electrically isolates the cable 74 [(which, along with sheath 76, makes up cable 38)] from the drive shaft 70" (col. 4, lines 54-56) which is coupled to tube 24 (col. 3, lines 65-67). Tube 24 is isolated from cable 42 because the electrical path from power supply 40 to electrode surface 12 on the end of outer tube 20 does not go through inner tube 24.